

Mail Stop Interference  
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Paper 1  
Filed: 30 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Chandler Dawson**  
Junior Party  
(U.S. Patent Application 11/801,345),

v.

**Chandler Dawson** and Lyle Bowman  
Senior Party  
(U.S. Patent 6,569,443).

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Patent Interference No. 105,729 (MPT)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           **Part A. Declaration of interference**

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue application  
4 (if any), count(s) and claims designated as corresponding or as not corresponding  
5 to the count(s) appear in Parts E and F of this DECLARATION.

6           **Part B. Judge managing the interference**

7           Administrative Patent Judge Michael P. Tierney has been designated to  
8 manage the interference. Bd. R. 104(a).

9           **Part C. Standing order**

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12          **Part D. Initial conference call**

13          A telephone conference call to discuss the interference is set for **2:00 p.m.**  
14 **on January 25, 2010** (the Board will initiate the call).

15          No later than four business days prior to the conference call, each party shall  
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as  
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the  
20 schedule prior to the conference call and to agree on dates for taking action. A

1 typical motion period lasts approximately eight (8) months. Counsel should be  
2 prepared to justify any request for a shorter or longer period.

3 **Part E. Identification and order of the parties**

4 Junior Party

5 Named inventors: CHANDLER R. DAWSON, MILL VALLEY, CA  
6 Involved Application: U.S. Application 11/801,345, filed on May 8, 2007  
7 Title: Topical Treatment or Prevention of Ocular  
8 Infections  
9 Assignee: Regents of the University of California

10  
11 Senior Party

12 Named Inventors: CHANDLER R. DAWSON, MILL VALLEY, CA  
13 LYLE M. BOWMAN, PLEASANTON, CA  
14 Involved Patent: U.S. Patent 6,569,443, issued on May 27, 2003,  
15 based upon U.S. Application 09/767,943, filed on  
16 January 24, 2001.  
17 Title: Topical Treatment or Prevention of Ocular  
18 Infections  
19 Assignee: InSite Vision Incorporated

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior  
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5 Count 1

6 A process for treating an eye according to claim 11 of U.S.  
7 Application 11/801,345 or claim 1 of U.S. Patent 6,569,443.

8  
9 The claims of the parties are:

10 Dawson '345: 1 and 4-20  
11 Dawson et al. '443: 1-45  
12

13  
14 The claims of the parties which correspond to Count 1 are:

15 Dawson '345: 11-20  
16 Dawson et al. '443: 1-19 and 23-41  
17

18 The claims of the parties which do not correspond to Count 1, and therefore  
19 are not involved in the interference, are:

20 Dawson '345: 1 and 4-10  
21 Dawson et al. '443: 20-22 and 42-45  
22

23 The parties are accorded the following benefit for Count 1:

24 None<sup>2</sup>

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<sup>2</sup> See Paper 3 for further details.

1                   **Part G. Heading to be used on papers**

2           The following heading must be used on all papers filed in this interference,  
3   see SO ¶ 106.1.1:

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Enc:

Revised 3 January 2006

Attorney for Dawson:

Attorney for Dawson:

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